

**Western Plant Health Association
1801 I St., Ste. 200
Sacramento, CA 95814**

VIA ELECTRONIC MAIL

September 12, 2004

The Honorable Terry Tamminen
Secretary, California Environmental Protection Agency
1001 I St., 25th Floor
Sacramento, CA 95814

**Re: Western Plant Health Association's (WPHA) Comments on August 2004
Draft Cal-EPA Environmental Justice Action Plan**

Dear Secretary Tamminen:

WPHA is a trade association that represents fertilizer and crop protection manufacturers, as well as agricultural retailers who provide important inputs to California's growers. We maintain an ongoing effort to help promote strategies and programs to protect the public health and the environment, and still allow our members and customers to realize economic success. We have been providing the Intra-Agency Committee on Environmental Justice with written and oral comments on the developing plan and wish to provide you with our comments regarding the "Action Plan" released in August.

First, we would like to congratulate the committee on their ongoing efforts to develop a fair program and process for businesses and the public to utilize. The ongoing development of the plan demonstrates the committee's willingness to continue to be open and incorporate input from all interested parties. We believe the plan is moving in a positive direction; however, we do have a few comments on some of the proposed sections.

Section 2.1 Develop Guidance on Precautionary Approaches

Item 2 recommends the identification of "reasonable, cost effective approaches that could be used to prevent or minimize adverse environmental impacts".

We agree that the availability and cost effectiveness of approaches to communities must be taken into consideration when developing mitigation approaches. However, reasonable and cost-effective is not well defined. We recommend that the workgroup charged with developing this process utilize an agreed to cost/benefit type analysis. Interested groups will then have a clearer understanding of the impact of EJ programs both from an environmental and economic basis.

Section 2.2 Develop Guidance on Cumulative Impacts

This section calls for the development of multi-media cumulative impacts standards and programs. Through a variety of programs the workgroup will develop definitions, protocols, and reduction strategies.

We agree that standard risk assessment protocols should be utilized to accurately assess the impact of cumulative impacts. In addition to the inclusion of the use of risk assessment to determine cumulative impact, that language is included that states that only science that has been demonstrated to be accurate for end points within each media area be utilized. It would be a disservice if data that has not been proven to be accurate, (i.e., the use of default numbers) be utilized by communities who are relying on this information to make sound judgments. We also urge inclusion of language that as the benefits of this information will be utilized and enjoyed by all Californian's, it should be funded through state sources generated by all Californian's.

Section 2.3 Ensure EJ Considerations within the Governor's Environmental Action Plan

The Governor's Environmental Action Plan outlines various initiatives to protect California's environment. Section 2.3 outlines goals set out by the Governor and advocates certain pilot projects aimed at accessing children's health through a variety of scenarios.

We recommend clear language be included that mandates the use of sound science and peer reviewed risk assessment during the assessments. We also recommend the guidelines for these pilot projects include language incorporating the use of "available and cost effective technologies and processes" when making recommendations for reduction strategies. We believe that this is the intent of the committee's pilot project program, but we believe that it needs to be more clearly stated.

We thank you for the opportunity to comment on this initiative. WPHA appreciates the hard work of the committee and staff that have been contributing their time to this effort. WPHA looks forward to continuing to work with Cal-EPA and the EJ Workgroup as the plan moves forward. If you have any questions, please feel free to call on me at (916) 446-3316.

Sincerely,

Renee Pinel
Director of Policy & Legislation